

A
P E R F E C T
A B S T R A C T
Of all the

L A W S
In force and use concerning the
O B S E R V A T I O N
O F

The Lord's day,

Commonly called

SUN-DAY.

IMPRIMATUR.

28^o die Maii,
Anno Dom. 1677.

Fra. North.

L O N D O N,

Printed by George Sawbridge, Thomas Roycroft and Will. Rawlins,
Assigns of Richard Atkins and Edward Atkins, Esquires:

For William Jacob, at the Black Swan, next Bernard-Linn, in
Holborn, Anno Dom. 1677.

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S U N - D A Y .

IMPRIMATUR.

Per Verbo.

20. Dec. 1677.
1777. and 1778.

L O N D O N .

Printed by G. Smith, at the Black Swan, near Brompton, in
the Parish of St. Mary, and Edward Street, London.
For William Jones, at the Black Swan, near Brompton, in
the Parish of St. Mary, and Edward Street, London. 1677.



**A Perfect ABSTRACT of all the
LAWS in force and use concerning
the Observation of the Lord's day com-
monly called Sunday.**

By the Statute of the 5 & 6. of Ed. 6. Chap. 1. it is Enacted: **The Penalty for**
That every one shall diligently and faithfully (having no not going to
reasonable or lawfull Excuse to be absent) endeavour himself Church every
to resort to his own parish Church or Chappel accustomed Sunday, &c. by
or upon reasonable let thereat, to some usual Place where Com. the 5 & 6 of
mon Prayer, and such Service of God shall be used in such time of Ed. 6. is to be
let, upon every Sunday, and other days ordained and used to be kept liable to the
as Holy-days, and then and there to abide orderly and soberly during Censures of the
the time of the Common Prayers, Preachings, and other Services of Church.
God, there to be used and ministered, under pain of the Censures
of the Church.

So by the Statute of 1 Eliz. Chap. 2. it is Enacted, in apt words to **The like Penal-**
the like effect as before in 5 & 6 Ed. 6. That every person shall resort ty for the same
to his own parish Church or Chappel, or upon just let to go to some Offence is pro-
other, every Sunday and Holy-day, in pain to be punished by the Cen- vided by the
sure of the Church: Whereof with this additional Clause, And also 1 Eliz. Chap. 2.
upon pain to forfeit 12 d. to be levied by the Church-wardens to the use As also, That
of the Parish where the Offence is done, upon the Lands and Tene- the Party of-
ments of the Offender, by way of Distress. fending shall
forfeit 12 d.

By the 23 Eliz. Chap. 1. Every person above sixteen years old, which **The Penalty for**
shall not repair to some Church, Chappel, or Place of Common Pray- not going to
er, but forbear the same, contrary to the Tenour of a Statute made Church for a
in the first year of Her Majesty's Reign for Uniformity of Common month together
Prayer; and being thereof lawfully convicted, shall forfeit to the by 23 Eliz. Ch. 1.
Queen's Majesty for every month after the end of this Session of Par- is 20 l.
liament, which he or she shall so forbear, Twenty pounds of lawfull
mony of England.

And that over and besides the said forfeiture, every person so for- **The Penalty for**
bearing by the space of Twelve months, as aforesaid, shall (for his or not going to
her Obstinacy, after Certificate made in writing, into the Court Church by the
space of twelve
com- months.

commonly called the King's Bench, by the Ordinary of the Diocese, a Justice of Assize and Gaol-delivery, or a Justice of Peace of the County where such Offender shall dwell or be,) be bound with two sufficient Sureties in the summe of Two hundred pounds at the least, to the Good-behaviour; and shall continue bound until such time as the person so bound do conform himself, and come to the Church, according to the true meaning of the Statute made in the first year of the Queen's Majestie's Reign: But this Twenty pounds a month, the King, if he please, may relinquish, and instead thereof take two parts in three of all his Lands and Leases. And if he cannot pay the Twenty pounds, he is to be committed to Prison till he do pay it. But if this be the first Offence, the Offender may, before Judgment had against him, submit and conform, before the Bishop of the Diocese, or Justices of the Peace in their open Sessions where he is indicted, and so be discharged of all the Offences but Treason and Rebellion of Treason, within the 23 of Eliz. Chap. 1. 29 of Eliz. Ch. 6. & 3 Jac. Chap. 4.

The Penalty for keeping in ones house a Servant, Sojourner, Stranger, or Schoolmaster, refusing to come to Church for a month together, is 10 li.

By the Statute of 3 Jac. Chap. 1. He that shall keep in his house a Servant, Sojourner, Stranger or Schoolmaster, that shall refuse to come to Church for a month together, or a Schoolmaster not allowed by the Bishop, forfeits Ten pounds, and the Schoolmaster is disabled to teach for ever afterwards, and is to be imprisoned a year without Bail, upon 23 Eliz. 1. Chap. 1. And such as have Divine Service in their houses, and are commonly present at it, and are at least four times a year at the Divine Service in the Parish Church, or some other open Chapel of Ease, are not to incurre any of the Penalties in the 23 Eliz. Chap. 1.

The Penalty for Popish Recusants not coming to Church, nor receiving the Sacrament, after Conforming, once a year, 20 li. first Offence, &c.

Also by the same Statute it is farther enacted; That if any one resort not every Sunday to some usual place of Common Prayer, and there hear Divine Service, according to the Stat. of 1 Eliz. he may, within a month after the Offence done, (if he cannot make some good Excuse for his absence,) be convicted before any one Justice of Peace, upon his own Confession, or the Oath of one Witness: And by Warrant from this Justice to the Churchwardens of the Place, they may levy the money to the use of the Poor of the Place. But he that hath been punished upon 1 Eliz. is not again to be punished upon this Statute of 3 Jac. And he that is punished for his Offence by the Ecclesiastical Officer, is not again to be punished by the Civil Officer. Et sic e contra. And that such Popish Recusants as should conform and come to Church, should also receive the Communion once a year at least in their own Parishes, in pain to forfeit for the first year 20 li. for the second 40 li. and for every Default after 60 li. And that the Churchwardens and Constables of every Parish should once a year at least present the monthly Absence of them from Church.

The Penalty of refusing to goe to Church, and persuading against the King's Supremacy, Imprisonment without Bail, till the party conform, &c.

By the 25 Eliz. Chap. 1. If any one doth obstinately refuse for a month together to goe to Church, and shall persuade others against the King's Authority in Causes Ecclesiastical, or to that end shall dissuade others from going to Church, or not to receive the Sacrament according to the Laws; or shall come to, or be present at, unlawfull Assemblies, under colour of Exercise of Religion against the Laws and Statutes of this Kingdom: For this he is to be committed to Prison

Whithout Bail, till he conform and make an open submission, as is set down in the same Statute.

So also if one keep or relieve any friend (if it be not a Father or Child, or some such near Relation that hath no other place of Residence;) that shall refuse for a month together to go to Church, after he is warned by the Bishop, Justice of Assize, Gaol-delivery, or a Justice of Peace of the place, to purg him away, he will forfeit Ten pounds for every month he shall keep him.

The Judges of the King's Bench, Justices of Assize, and Gaol-delivery may by the ordinary way of Indictment or Presentment hear and determine any of the Offences about Recusants their not going to Church, nor receiving of the Sacrament upon the Acts of 3 Jac. Chap. 4. & 23 Eliz. Chap. 1. And these Justices also, and the Justices of Oyer and Terminer may hear and determine any offence upon the 1 Eliz. Chap. 1. And the Justices of Peace at their Sessions may also at least within a year and a day after the Offence done hear and determine any of the Offences but Treason, and Conspiracy of Treason upon 3 Jac. Chap. 4. 23 Eliz. Chap. 1. And any of these Justices of the Kings Bench and Gaol-delivery, or of the Peace where the Indictment is before them for Recusancy, may make proclamation that the party yield himself to the Sheriff, And if then he appear not at the next Assizes or Sessions he is convict of the Offence, by the Statute of 3 Jac. Chap. 4.

And by the same Statute no Indictment for not coming to Church shall be made void for lack of form, or other matter untill the party conform and come to Church.

Upon which Statutes before mentioned these things are observable.

1. That if the Offender be not called in question for his Offence within a month after it is done, or being so, he is able to give a good reason for his absence from Church any Sunday, That he is not to pay 12 d. upon 1 Eliz. Chap. 2. & 3 Jac. Chap. 4.

2. That no man is to be questioned for any Offence upon 1 Eliz. Chap. 2. before the Justices of Oyer and Terminer or of Assize, after the next general Sessions, (after the Offence is done,) be past.

3. That no Judges or Justices of the Peace may bind any man to the Good behaviour, for absentering himself from Church 12 months together upon 1 Eliz. 2. & 23 Eliz. 1. till a Certificate of the Offence be first sent by the Ordinary of the Diocese, or by a Justice of Assize and Gaol-delivery, or a Justice of Peace of the County where the Offender doth dwell.

By the Canons of 1603. Canon 13. all persons are required to keep holy the Lord's day according to the Orders of the Church.

By the 5 & 6 Ed. 6. Chap. 3. it is Enacted; That every Sunday, &c. shall be kept holy every year, and that the Offences against this Act shall be punished by Ecclesiastical Censures, at the discretion of the Ordinary, and no other penalty appointed to be insisted.

The Penalty for keeping any friend (except Father, Child, or such near Relation) refusing to go to Church for a month together, is 10 li. a month.

How the Offences shall be punished, and by whom.

He that doth any work on the Sunday, except in Harvest-time, shall be punished by Ecclesiastical Censures.

handmen, Labourers, Fishermen, and all others, of what condition or estate soever they be, in the Harbest-time, or at any other time of the year when necessity shall require, may labour, fish, or work any kind of work at their pleasure.

Shoe-makers

shall forfeit 3 s.

4 d. and the value of the Boots

and Shoes they

sell on the Sab-

bath day.

He that is at any

Pastime prohib-

ited on the

Lord's day, &c.

shall forfeit 3 s.

4 d. or sit three

hours in the

Stocks.

By the 1 Jac. Chap. 22. Shoe-makers may not put their Boots or Shoes to Sale on the Sabbath day under pain of 3 s. 4 d. and to lose the value of what they so put to Sale.

By the 1 Car. 1. Chap. 1. all Concourse of People out of their own Parishes for any pastime whatsoever; as also Bear-baitings, Bull-baitings, Enterludes, common Plays, and all other unlawful pastimes, are prohibited on the Lord's day. And the Offender against this Law being thereof convicted by the view of one Justice of Peace in the County, or by a chief Officer in a Corporation, or by his own Confession, or by the Oath of one Witness before one such Justice or Officer, shall forfeit 3 s. 4 d. to the use of the Poor where the Offence is committed, to be levied by distress, and sale of goods (upon warrant from the same Justice or Officer) by the Constables or Church-wardens of the same Parishes; and in case no distress can be had, the Offender shall sit in the Stocks 3 hours. But this Offence ought to be prosecuted within one month after it shall be committed. And if the Officer be questioned, he shall plead the general Issue, and give the special matter in Evidence.

No Carrier,

Waggoner, Car-

man, Wain-

man or Drover

shall travel with

their Cattel on

the Lord's day

under penalty

of 20 s. nor

Butcher kill or

sell victuals up-

on pain of 6 s.

8 d.

By the Statute of 3 Car. 1. Chap. 1. No Carrier with his Horse, Waggoner with his Wagon, Car-man with his Car, Wain-man with his Wain, or Drover with his Cattel shall travel upon the Lord's day, on pain to forfeit Twenty Shillings for every such Offence. And no Butcher shall kill or sell any victuals upon the same day, on pain to forfeit six shillings and eight pence. Where note, the Condition of the Offender, and the levying and imployment of the Forfeitures are the same with those of the former Statute, save onely that here two Witnesses are necessary, and the Forfeitures may also be recovered by a Prosecutor in the Sessions of the County or Corporation where the Offence was committed, and in that case the Justice or Head Officer may allow the Prosecutor part of the Forfeitures, but not above a third part. This Action shall be prosecuted within six months, and here also the Officer may plead the General Issue.

By the Canons made 1603. Canon 88. Churches are not to be profaned by Plays, Feasts, Banquets, Suppers, Church-Alms, Drinkings, Temporal Courts, Lay-Jury's, Quillers, or the like within them; or in the Church-yard; nor the Bells to be rung superstitiously upon Holy-days, or Eves.

Whosoever Churches being convenient places appointed for the worship of Almighty God in them, The Minister and People therein assembled, to that purpose, are to be kept in peace and not disturbed; and therefore by the 5 & 6 of Edw. 6. Chap. 4. & 1 Mar. Chap. 3. all disturbance of Ministers, in the publick Service of God therein, shall be punished with three months imprisonment without Bail.

And if any Officer do arrest any person, upon any ordinary process, or upon a warrant for the Good-behaviour, upon the Lord's day in the Church

for the Observation of the Lord's day.

Church or Church-yard, immediately after Divine Service; especially when it may be done at another time. It is an Offence for which the said Officer may be indicted, and fined before the Justices in their Sessions. Cro. 1. Part fo. 602.

If any person do maliciously strike another with a weapon, or draw his weapon on purpose to strike another in any Church or Church-yard; he is to have one of his Ears cut off, and is ipso facto excommunicate by 5 & 6 Edw. 6. Chap. 4. But the Offender is to be indicted and convicted by Traverse or Confession, before the punishment can be inflicted.

To arrest a Minister going to, or coming from Church, or in, or at the Church, going to, or returning from the publick Service, is an Offence for which the Officers may be indicted, or bound to the Good-behaviour. And the Offence is not much less to arrest another man in the Church, and whilst he is at the publick Service, especially being such an one as may be easily arrested in another place, at another time. And where it is onely in a common Case, and at the suit of a common Person; for in case of the King, and upon a Justice of Peace his warrant, in case of felony, and the like, there it may better be done; and if it be on a week day, the Offence is not so great, as when it is on the Lord's day. Crooke 2 part folio 321.

If any do by words quarrel or brawl in a Church or Church-yard, he may be suspended by the Ordinary if he be a Lay-man (ab Ingressu Ecclesie) from entering the Church, and if a Clergy-man, from his Office by 5 & 6 Ed. 6. c. 4. So if any person doth smite or lay violent hands upon another, in any Church or Church-yard, he is ipso facto Excommunicate by 5 & 6 Edw. 6. Chap. 3. And

Where any person is assaulted or beaten in a Church, it is not lawful for him to return or give back any blows in his own defence, as he may doe in another place.

And now by an Act made this present Session of Parliament Anno 29 Car. 2. Chap. 7. Intituled, An Act for the better Observation of the Lord's day commonly called Sunday, it is Enacted; 1. That all the Laws Enacted and in force concerning the Observation of the Lord's day, and repairing to the Church thereon, be carefully put in execution: And that all and every person and persons whatsoever, shall on every Lord's day apply themselves to the Observation of the same, by exercising themselves thereon in the duties of Piety and true Religion publickly and privately; And that no Tradesman, Artificer, Workman, Labourer, or other person whatsoever, shall doe or exercise any worldly labour, business or work of their ordinary Callings, upon the Lord's day, or any part thereof (works of Necessity and Charity onely excepted) And that every person being of the age of fourteen years or upwards, offending in the premises, shall for every Offence forfeit 5 s. And that no person shall publickly cry, shew forth, or expose to sale, any Wares, Merchandizes, Fruit, Herbs, Goods, or Chattels upon the Lord's day, on pain to forfeit the same Goods so cried, shewed forth or exposed to sale.

C

2. That

An Abstract of all the Laws, &c.

2. That no Doctor, Horse-courser, Waggoner, Dutcher, Pigler, or their Servants, shall travel, or come into their Inn or Lodging upon the Lord's day, or any part thereof, on pain to forfeit for every Offence 20 s. And that no person shall use, employ or travel upon the Lord's day, with any Boat, Wherry, Lighter, or Barge, except it be upon Extraordinary occasion, to be allowed by some Justice of the Peace of the County, or Head Officer, or some Justice of Peace of the City, Burrough or Town corporate where the fact shall be committed, on pain to forfeit 5 s. for every Offence. And the Offender against this Law being thereof convicted by the Oath of any Justice of Peace in the Country, or by a Chief Officer in a Corporation, or by his own Confession, or by the Oath of any one or more Witnesses, the said Justice or Officer shall give Warrant to the Constables or Church-wardens of the Parity where such Offence shall be committed, to seize the said Goods cryed, throwed forth, or put to sale as aforesaid, and to sell the same, and to levy the Forfeitures by Distress and Sale of the Offenders Goods, retaining the overplus of the moneys raised. And if no Distress can be had, the Offender shall sit publicly in the Stocks two hours. The Forfeitures to be imploied to the use of the Poor of the Parity where the Offences shall be committed; and the Justice or Officer may allow the Informer part of the Forfeitures, not exceeding a third part. And the party offending to be prosecuted within ten days after the Offence committed.

3. This Act shall not extend to prohibit Dressing of meat in Families, or Dressing or Selling of meat in Inns, Cooks shops or Victualling-houses, for such as otherwise cannot be provided, nor shall not prohibit the Crying and Selling of Milk before 9 in the morning, or after 4 in the afternoon.

See the Act at large.

4. That if any person travelling on the Lord's day shall be then robbed, no Hundred shall be charged with any such Robbery, but the person robbed shall be barred from bringing his Action for the same: Nevertheless the Inhabitants of the Counties and Hundreds (after notice of any such Robbery to them given, or after Hue and Cry for the same to be brought) shall make or cause to be made fresh Suit and Pursuit after the Offenders with Horsemen and Footmen, according to the 27 of Eliz. upon pain of forfeiting to the King's Majesty, His Heirs and Successors, as much money as might have been recovered against the Hundred by the party robbed, if this Law had not been made.

5. That no person or persons, upon the Lord's day, shall serve or execute, or cause to be served or executed, any Writ, Process, Warrant, Order, Judgment or Decree, (except in Cases of Treason, Felony, or Breach of the Peace;) But that the Service of every such Writ, Process, Warrant, Order, Judgment or Decree, shall be void to all intents and purposes whatsoever: And the person or persons so serving or executing the same shall be as liable to the Suit of the party grieved, and to answer Damages to him for doing thereof, as if he or they had done the same without any Writ, Process, Warrant, Order, Judgment or Decree at all.

THE END.

